

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF NORTH CAROLINA  
WESTERN DIVISION  
No. 5:18-CV-154-BO

WILL COVINGTON EL,  
Plaintiff,

v.

STATE OF NORTH CAROLINA; C. M. DEAN,  
Badge No. 244; DERON MCLEAN, Magistrate;  
and DUNN COURT ANNEX,  
Defendants.

ORDER

This matter is before the Court on the Memorandum and Recommendation (“M&R”) of United States Magistrate Judge James E. Gates., pursuant to 28 U.S.C. § 636(b)(1)(C) and Fed. R. Civ. P. 72(b). [D.E. 6]. The Court ADOPTS the M&R.


On April 11, 2018, plaintiff filed a complaint styled as a removal from municipal court in the Eastern District of North Carolina. [DE 1]. On April 23, 2018, Magistrate Judge James E. Gates issued an order articulating several deficiencies in plaintiff’s complaint and requiring plaintiff to correct them. [DE 2]. This included directing plaintiff to either apply to proceed in forma pauperis or to pay the required \$400 filing fee. That same day, and on April 26, 2018, plaintiff filed several more documents, none of which responded to the deficiencies identified by the court. Plaintiff never applied to proceed in forma pauperis, and never paid the filing fee. On May 21, 2018, Magistrate Judge Gates then recommended that plaintiff’s case be dismissed for failure to prosecute. [DE 6]. Plaintiff had fourteen days to object to the Memorandum and Recommendation, and he did not do so. That recommendation is now before this Court.

“The Federal Magistrates Act requires a district court to make a *de novo* determination of those portions of the magistrate judge’s report or specified proposed findings or recommendations to which objection is made.” *Diamond v. Colonial Life & Acc. Ins. Co.*, 416

F.3d 310, 315 (4th Cir. 2005) (emphasis, alteration, and quotation omitted); *see* 28 U.S.C. 636(b). Absent timely objection, “a district court need not conduct a *de novo* review, but instead must only satisfy itself that there is no clear error on the face of the record in order to accept the recommendation.” *Diamond*, 416 F.3d at 315 (quotation omitted).

Having considered the M&R and record, the Court is satisfied that there is no clear error on the face of the record and accepts the Magistrate Judge’s recommendation. Plaintiff has not corrected any of the deficiencies in his complaint, including the threshold requirement of either paying a filing fee or applying to proceed without paying the fee. He has not filed anything with the Court since April 26, 2018. The Court ADOPTS the Magistrate Judge’s M&R. [DE 6]. Plaintiff’s case is DISMISSED WITHOUT PREJUDICE for failure to prosecute.

SO ORDERED, this 27 day of July, 2018.

  
TERRENCE W. BOYLE  
UNITED STATES DISTRICT JUDGE